

PLANNING AND ZONING COMMISSION
STAFF REPORT

October 23, 2008



Planning Variance PV 08-30: Andres Martinez

CASE DESCRIPTION: a request for approval of s 10-foot variance from the minimum 25-foot front building setback generally required on lots in residential zoning districts of Bryan, to legitimize previous construction of a carport that extends within 15 feet from the front property line on the subject property

LOCATION: 4102 Meadowbrook Drive between Green Valley Drive and Oak Cliff Circle

LEGAL DESCRIPTION: Lot 2 in Block 8 of Wheeler Ridge Subdivision – Phase 1

ZONING: Residential District – 5000 (RD-5)

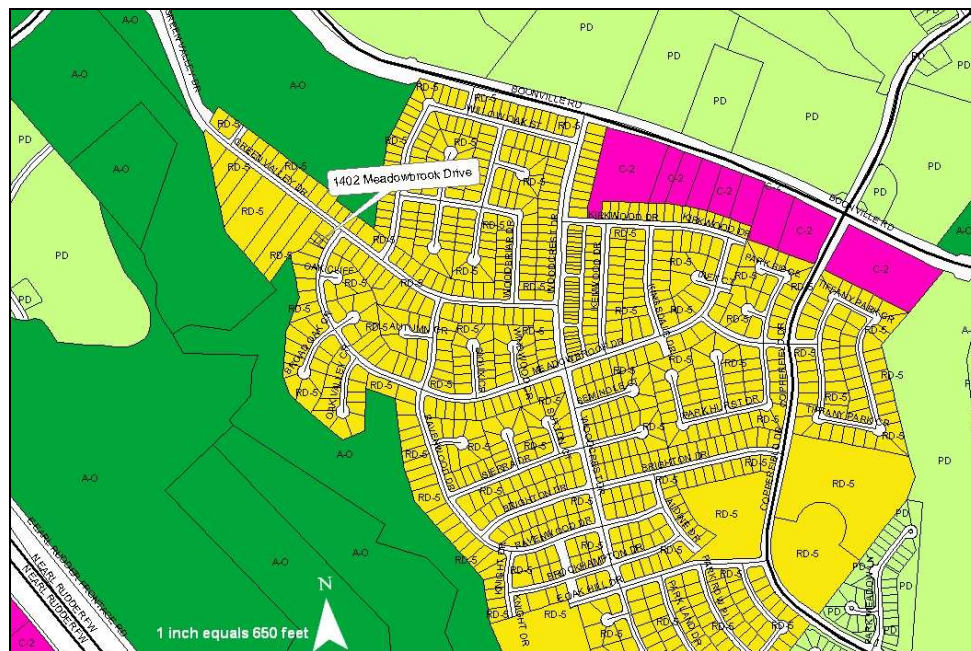
EXISTING LAND USE: single-family home site

APPLICANT: Andres Martinez

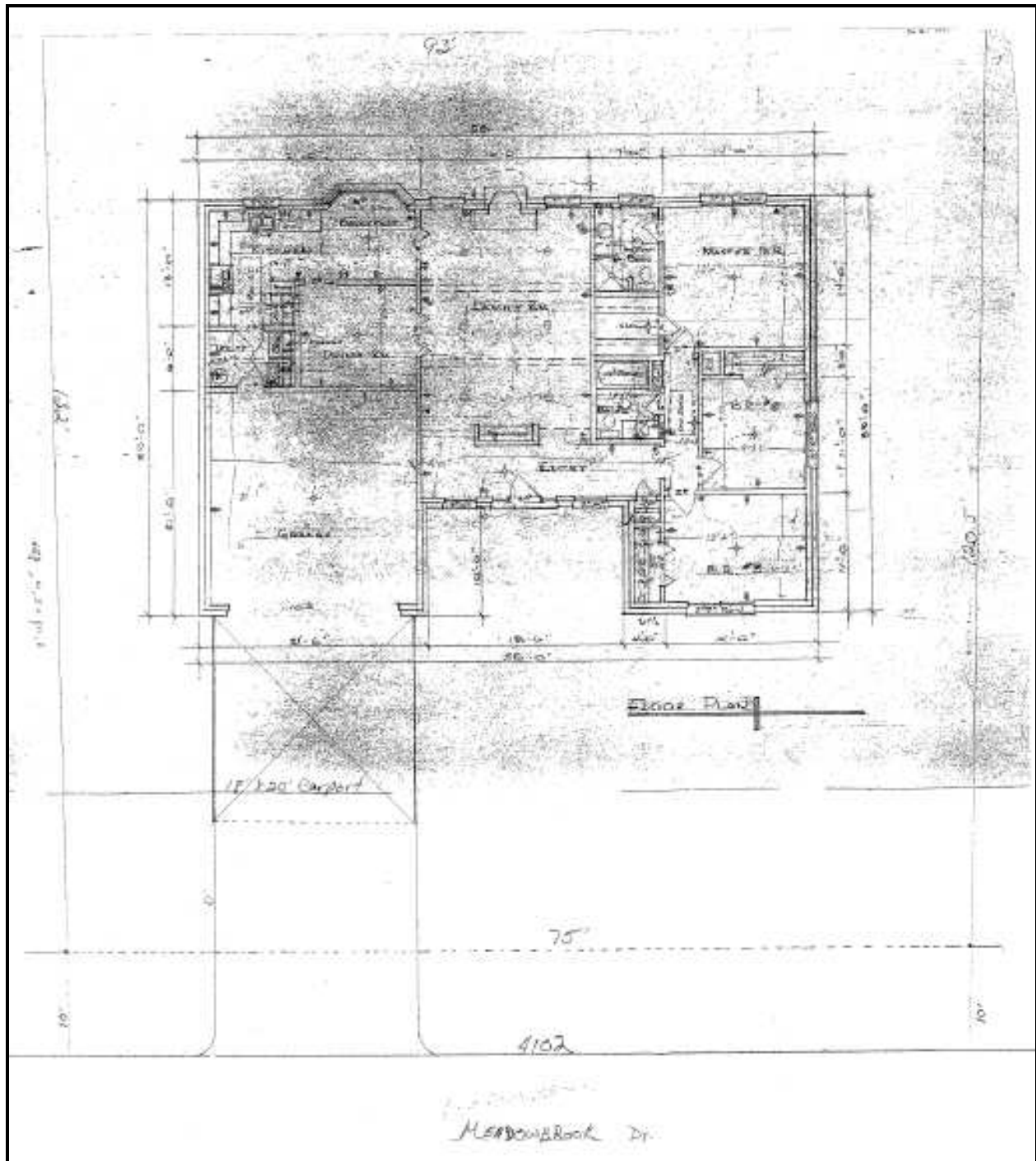
STAFF CONTACT: Julie Fulgham, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **denying** the requested variance.

LOCATION MAP:



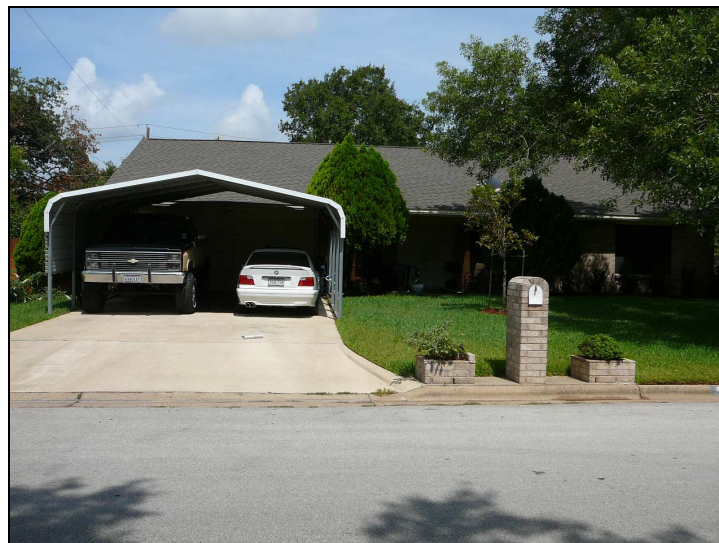
SITE PLAN:



AERIAL PHOTOGRAPH:



CURRENT PHOTOGRAPHS:



subject property



north of subject property, toward Green Valley Drive



south of subject property

BACKGROUND:

The property owner and applicant, Mr. Martinez, is requesting a variance from the minimum 25-foot front yard required on this property to legitimize the construction of a carport that extends within 15 feet from the front property line. Mr. Martinez had the 18' x 20' carport installed in 2001, without first obtaining city site plan and building permit approval. Earlier this year, the city's Code Enforcement Department responded to a complaint about the carport and determined that the carport was installed without a building permit. Mr. Martinez is requesting the variance to be able to obtain a building permit for this carport.

The property is located within the first phase of the Wheeler Ridge Subdivision, a six-phase development that includes approximately 365 single-family residential lots. The applicant and City staff completed a windshield survey of the area. There appear to be approximately seven existing carports in the Wheeler Ridge Subdivision, most situated on Meadowbrook Drive, that appear to encroach into minimum required

front yards. Planning Services staff has forwarded these apparent violations to the Code Enforcement Department.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum building setback standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200-foot radius);

Minimum building setback standards are intended to help promote and preserve open space and to prevent the overcrowding of land with buildings. Ignoring building setbacks results in the long-term result of land overcrowded with buildings in neighborhoods, which are typically areas within a town in which open space is most appreciated.

The Wheeler Ridge neighborhood is a master planned, six-phase development, approximately 25 to 30 years old and appears to be well-maintained and stable. Staff believes that one contributing factor to this stability is the overwhelming compliance with minimum building setback standards in this 365-lot subdivision. Approving this request might set and unwanted precedent in this area, of the carport is allowed to extend within 15 feet from the front property line on this property. Other nearby property owners are likely to request similar variances which the Commission would feel obligated to approve. The long-term result then may be an undesirable overcrowding of land with building mass within the Wheeler Ridge Subdivision.

2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

As stated above, staff believes that granting this variance request in the absence of any special conditions which create an unnecessary hardship could have the long-term effect of destabilizing this established neighborhood. The subject property was constructed with an attached two-car garage for covered parking.

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter.

Staff believes that the setback requirements imposed by the Land and Site Development Ordinance serve to protect the general public by preventing the crowding of streets and providing a clean, orderly streetscape. Staff contends that the public benefit from continued compliance with minimum building setback standards is greater than requiring the applicant to remove the noncompliant carport that is merely attached to the ground. Enforcing the minimum required building setbacks provides an assured minimum of open space in neighborhoods.

RECOMMENDATION:

Staff recommends **denying** this request for variance.